

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:	:	CHAPTER 7
	:	
WINSTAR COMMUNICATIONS, INC.,	:	Bankruptcy Case NO. 01-01430-KJC
ET AL.,	:	
	:	
Debtors.	:	
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LUCENT TECHNOLOGIES, INC.,	:	
	:	Adversary No. 01-01063-KJC
Appellant,	:	
	:	
v.	:	Civil Action No. 06-147-JJF
	:	
CHRISTINE C. SHUBERT,	:	
CHAPTER 7 TRUSTEE,	:	
	:	
Appellee.	:	

ORDER

WHEREAS, on March 9, 2006, Chapter 7 Trustee Christine C. Shubert (the "Trustee") filed a Motion To Strike Items From Lucent Technologies Inc.'s Designation Of Record On Appeal And Statement Of Issues On Appeal (D.I. 8);

WHEREAS, by its Motion, the Trustee requests the Court to strike certain items from Appellant Lucent's Amended Designation Of Items To Be Included In The Record On Appeal (the "Record Designation") (D.I. 6) and from Appellant's Statement Of Issues On Appeal (the "Issues Designation") (D.I. 2) contending that certain items on the Record Designation were not presented to the Bankruptcy Court and that certain issues on the Issues Designation were decided by this Court rather than the Bankruptcy Court;

WHEREAS, in response, Appellant Lucent contends that the Trustee's Motion is premature and should be denied without prejudice to allow the Trustee to argue in connection with the merits of the appeal that the Appellant's use of the objectionable records or argument of the objectionable issues is improper;

WHEREAS, the Court concludes that granting the Trustee's request is not warranted at this juncture in light of the lack of settled case law on the appropriateness of limiting the designation of record on appeal, and the necessity of the Appellant to preserve issues for appeal to the Third Circuit;

NOW THEREFORE, IT IS HEREBY ORDERED that the Trustee's Motion To Strike Items From Lucent Technologies Inc.'s Designation Of Record On Appeal And Statement Of Issues On Appeal (D.I. 8) is DENIED without prejudice.

March 20, 2007

  
UNITED STATES DISTRICT JUDGE